

**WEST AMWELL TOWNSHIP  
ORDINANCE 12, 2013**

**AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY,  
AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM**

**WHEREAS**, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

**WHEREAS**, the New Jersey Board of Public Utilities ("BPU") has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

**WHEREAS**, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township of West Amwell seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the City, for the purpose of obtaining power supply cost savings for residential and business participants in the City; and

**WHEREAS**, the Township of West Amwell intends, for efficiency and cost-effectiveness and to achieve additional purchasing power for its residents and businesses, to implement its Government Energy Aggregation Program through the South Hunterdon Regional Energy Cooperative ("SHREC"), of which the City of Lambertville will serve as the Lead Agency and, in that capacity and consistent with applicable rules, the City of Lambertville on behalf of SHREC participants will solicit proposals and enter into a contract for the provision of electric generation services on behalf of participating residential and business customers, to the extent that such a contract will produce power supply cost savings to participants; and

**WHEREAS**, the Township of West Amwell will, via the SHREC, from time to time during the Effective Period as defined below solicit proposals from electric power suppliers for electric generation services through the Program; and

**WHEREAS**, the Township of West Amwell will, via the SHREC, from time to time during the Effective Period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the participating residents and businesses pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

**WHEREAS**, the SHREC will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified and that submit price bids lower than the prevailing price for utility-provided basic generation service;

**WHEREAS**, pursuant to applicable BPU rules, the City needs to enter into an Electric Distribution Company Aggregation Agreement with Jersey Central Power and Light Company ("JCP&L"); and

**WHEREAS**, N.J.S.A. 48:3-93.1 et seq. requires the Program to be established by ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Township of West Amwell, County of Hunterdon, State of New Jersey as follows:

**SECTION 1.** The Township hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.

**SECTION 2.** The Mayor is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the City, with Jersey Central Power and Light Company ("JCP&L").

**SECTION 3.** The Township of West Amwell will implement the Program through the SHREC, of which the City of Lambertville is Lead Agency, and, consistent with applicable rules, the Township will via the SHREC solicit proposals for electric generation service and energy aggregation services on behalf of Township residents and businesses, and via the SHREC enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

**SECTION 4.** The Township will, via the Lead Agency of the SHREC, execute a master performance agreement that obligates the participants in the Program to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the SHREC, and provided that such contract shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to participants relative to the price charged for basic generation service by JCP&L.

**SECTION 5.** The authorization provided to the Lead Agency shall be valid until September 2015 (the "Effective Period"), at which time the authorization of the Program and the Township's participation in the SHREC for that purpose will be subject to renewal at the discretion of the Township of West Amwell.

**SECTION 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

APPROVED BY TOWNSHIP COMMITTEE

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Zach Rich, Mayor

ATTEST:

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Lora L. Olsen, RMC  
Township Clerk

## NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a special meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on August 15, 2013. It will be further considered for final passage, after public hearing thereon, at a regular meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on September 9, 2013 at 7:00 p.m. All interested parties will be heard at this time.